

How to Make a Complaint

Advice for detainees and their supporters in UK immigration removal centres

If you believe you had poor treatment or suffered abuse while in detention, you can make a complaint about it. For example, by making a complaint, you may get:

- Immediate help with problems you have in detention
- Someone to explain what has happened to you;
- An apology and someone to recognise their mistakes;
- Changes or improvements so that what you suffered does not happen to another detainee;
- Compensation or redress if you have been hurt or lost money or property

Many people making a complaint are disappointed - their story may not be believed and they may not feel it was properly investigated. Making a complaint will not make any difference to your status and you may be removed before the process has finished.

Who can help me make a complaint?

If you need help in filling in the form, most detention centres have volunteers who regularly visit and you can ask a volunteer visitor to help, or any family or friends or supporters you may have. You should also mention to any legal representative that you may have that you are making a complaint.

You can also ask detention centre staff and welfare staff who are required to help you

Can you sort it out with the detention centre staff?

First, try to sort out the problem with staff in the detention centre. The sooner you raise the issue, the better the chances of getting something done.

If you have problems with medical care, such as with medicines or treatment, talk to the doctor or nurse about it. If they are unable to help you, ask to talk to the *Healthcare Centre Manager*.

If you have a problem that has not been dealt with by detention centre staff, you can ask to talk to a member of the *Independent Monitoring Board (IMB)* in confidence. IMB members are local volunteers who monitor the day-to-day life in the detention centre. They can question staff about your concerns. Problems might include concerns over lost property, visits from family or friends, religious or cultural requirements, or

even serious allegations such as bullying.

If talking to the IMB doesn't work, you can still make a complaint

Who can make a complaint?

If you have been released or do not want to talk to staff in the detention centre, you can make a complaint. Anyone can make a complaint, including children, but if you are complaining on behalf of someone else, you will need that person's written consent.

You can make a complaint with other detainees or anonymously if you wish to. Anonymous complaints may not be investigated as thoroughly as other complaints, but they will be recorded at the detention centre and sent to the Home Office.

You should make the complaint within 3 months

What is your complaint about?

Complaints about Healthcare:

- If your complaint is about healthcare, you can complain directly to the *Healthcare Centre Manager*, who is responsible for healthcare in the detention centre, by placing the written complaint in *the Complaints Box* in Healthcare

Or

- You can complain to *NHS England*, the body responsible for healthcare services nationally,

by phone, post or email. Contact information is at the end of this leaflet

You may be asked to agree that the person investigating can look at your medical records, which will have confidential information. This will not be shared with immigration staff.

If your complaint is about your treatment in an NHS hospital outside the detention centre, you need to write to the hospital where it happened or to *NHS England* (details below).

Other complaints

If your complaint is about the following:

- Facilities in the detention service
- Behaviour of custody officers or escorts or
- List property

You need to make the complaint to the Home Office.

You can use the form provided by the Home Office which is available in the centre or you can download it from:

<http://www.ukba.homeoffice.gov.uk/>

You can put it in the *Complaints Box* in the detention centre, which is emptied every day and will be forwarded to the Home Office; or you can send it by email or post. Contact details are given at the end of this leaflet.

Be aware that any information you give may be used in your immigration case

What should be in the letter?

You can write your complaint in your own language and they will translate it. The reply will be in English. Make sure you keep a copy of the letter or form that you send.

Your details to include:

| | |
|---------------------------|--------------|
| Surname: | First name: |
| Date of Birth: | Nationality: |
| HO Case Reference number: | Address: |
| Correspondence Address: | Postcode: |
| Telephone: | Email: |

About your complaint

Explain what your complaint is about. It is important that you include as much detail and information about your complaint as possible, including:

1. Date and time of any incident – if the issue is ongoing then include the start date and note that it continues
2. Clear description of what happened and where it took place
3. Any people who were involved in any incident. This could be detention centre staff, other detainees, medical staff, escorts, visitors, lawyers, befrienders, supporters
4. Were there witnesses to the event, such as other detainees or visitors?
5. How has the event affected you? This could be, for example: loss of property, problems sleeping or physical problems if you were injured
6. What would you like the detention centre to do about your complaint? Depending on your complaint, this could be a request for a medical appointment or medications to be provided, an apology if the detention centre was at fault, or a change of practice by the detention centre

Don't exaggerate what happened, as this will weaken your credibility and your complaint as a whole

Is there evidence to support your complaint?

If there is evidence to support what you say, include this or say it is available. Such evidence might include:

- Witnesses who were present at the incident
- Medical notes or x rays
- Hospital or A & E attendance letters
- Mobile phone recordings

Detention centres are regulated by *Detention Centre Rules (DCRs, see below)*, some of which are detailed in *Detention Service Orders (DSOs)*, a set of instructions that outline the procedures detention centre staff should follow. You can make reference to the Detention Centre Rules and DSOs to complain that the detention centre staff, escorts, or other contractors have acted unfairly towards you. Some of the most important ones are given at the end of this leaflet.

Complaints about assaults or involving injury

Any physical assault is a criminal offence. However, detention officers have the power to use force in certain circumstances, and where necessary and proportionate - it becomes an assault when excessive or unnecessary force is used, or your detention is unlawful.

If the complaint is about an assault against you:

- Put your complaint in writing and report the assault to Senior Managers at the detention centre
- The Centre should arrange for you to be examined by a doctor and, if you agree, photograph any injuries

It is important to make sure there is evidence of any injuries you received:

- You are entitled to ask a healthcare

professional to take a photograph of your injuries if you wish to do so - point out that it will be important that photographs of injuries are taken as soon as possible

- If bruises develop in the days to follow, ask that a further set of pictures be taken
- If the healthcare professional refuses, you should politely request that a note be made in your medical notes that you did ask for a photograph to be taken but this was refused and if possible, the reasons why the request was refused
- In all cases, make a note to yourself of the times and dates that you asked for photographs to be taken and the answer

If you have been severely injured and may have long term or permanent problems as a result of an assault whilst in detention, try and find a lawyer to help you. To do this you should attend the Legal Advice Clinic at the detention centre where you are being held

Allegations of physical assault are referred to the *Professional Standards Unit* in the Home Office to investigate. They may refer the complaint to Police to obtain a crime reference number and they may pass this information on to you.

If you think that your complaint of assault has not been referred to the police - you can contact the police yourself:

- You can phone '101' and ask to be put through to the police station nearest to where the assault took place
- Keep a copy of any police reports or interviews, as well as your crime reference number - make sure you include these documents and reference numbers in your complaint letters

It is also important to:

- Say if the event took place where there was CCTV, as it may have been recorded and you can ask for this to be checked.
- Give information about any implements

such as batons that were used against you

- Describe any injuries you got. These may be cuts and bruises, or mental problems which mean for example that you have problems sleeping

What happens to your complaint?

Healthcare complaints

You should receive an acknowledgement within 3 days. The complaint will be investigated and you will receive the findings of that investigation along with an appropriate apology and to understand if any learning or changes will take place as a result of the findings of the investigation.

The NHS England Complaints Procedure and policy can be found here:

<https://www.england.nhs.uk/contact-us/complaint/>

Other complaints

When the Home Office receives your complaint, they will send you an acknowledgement. The Home Office will send your complaint to the detention centre who will investigate your complaint. This may include interviewing staff involved and any witnesses.

You should receive a reply from the detention centre within 10 to 20 days. The detention centre should send a copy of this reply to the Home Office and the *Independent Monitoring Board*. If you are likely to be removed before you receive a reply, make sure you leave an address where you can receive the reply.

Complaints that involve assault or serious misconduct will take longer but you should receive a reply within 12 weeks.

The reply to your complaint should tell you how the complaint was investigated and explain the findings. This letter should go through each part of your complaint and explain whether it is considered that your complaint is 'substantiated'

(that is they accept that what you say happened) or 'unsubstantiated' (that is they do not accept that what you say happened).

What to do if you are unhappy with the reply

If you are not happy with the reply you receive, you can write back saying why you disagree, and asking for further consideration of the points that you have raised in your letter. If you are unhappy with the way your complaint has been investigated (for example there are witnesses who were not interviewed), you can complain about the way the complaint was handled to the Home Office or NHS England.

Alternatively, you can take your complaint directly to the Ombudsman, but you can only do this if the investigation is finished and you have received the reply

Taking your complaint to the Ombudsman

Once your complaint has been through the complaint system, you can refer your complaint to the *Ombudsman*, an independent, official public investigator.

Health Service Complaints -

Parliamentary & Health Service Ombudsman

If your complaint is about Healthcare in the detention centre, you can ask the *Parliamentary & Health Service Ombudsman* (PHSO) to investigate your complaint, or to investigate how your complaint was handled.

If you would like to make a complaint, you can discuss your case directly with them via:

Telephone: 0345 015 4033

Email: phso.enquiries@ombudsman.org.uk

There are leaflets in other languages on their website. You can download the form to use to make the complaint from:

www.ombudsman.gov.uk

Include a copy of the original complaint form and

the reply as well as any other supporting documents. Send originals if you can, the *PHSO* will copy and return them.

You need to send the complaint through a Member of Parliament (MP). Send it to the MP for the area where you or your family lived in the UK prior to your detention. If you do not have connections with a particular area, send it to the MP in whose constituency the detention centre you are being detained at is. If you are not sure who your MP is, you can find out on the internet: www.theyworkforyou.com

You will need to know the postcode of where you were living prior to getting detained.

Assault and mistreatment -

Prison and Probation Ombudsman (PPO)

If your complaint is about an assault or mistreatment during detention or while you are being transferred or removed, you can take your complaint to the *Prison and Probation Ombudsman (PPO)*. For more information, see: www.ppo.gov.uk

You need to do this within three months of receiving the reply from the Home Office. Send a short letter explaining why you are unhappy with the response that you have received to your complaint. Include a copy of the original complaint form and the reply as well as any other supporting documents. Send originals if you can, the PPO will copy and return them.

Once the Ombudsman receives your complaint they will check whether it is a complaint they can investigate. If they cannot investigate, they will tell you about other ways of dealing with your complaint. If your complaint is accepted for investigation by the Ombudsman, it will be allocated to the Investigations Team. An investigator will contact you to discuss how they will investigate your complaint.

Can I get redress or compensation?

If you have suffered financial loss such as theft or loss of property, you can make a claim. You must do this within three months of getting the reply

to your complaint. The detention centre can make an 'ex-gratia' payment to you for the loss. For medical complaints, the Ombudsman can make recommendations for redress or compensation.

Where you have been injured or harmed and want compensation for this, you will need to find a lawyer to represent you. Making a complaint can provide important evidence in this process.

Where can I get more information?

Home Office

Information about making a complaint can be found at: www.homeoffice.gov.uk

Leaflets and forms are available in:

Arabic, Chinese, Dari, Farsi, Kurdish, Hindi, Pashto, Portuguese, Somali, Spanish, Tamil, Urdu, Vietnamese Yoruba

Home Office Guidance

'Handling of Complaints in Immigration Removal Centres, Short Term Holding Facilities, Holding Rooks and During Escort' – this can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/454297/DSO_03_2015_Handling_complaints.pdf

You can use this Guidance to challenge inadequate responses from the Home Office by referring them back to their own guidance

Detention Service Orders_

These can be found at:

<https://www.gov.uk/government/collections/detention-service-orders>

DSO 08/2008 'Use of Handcuffs on Detainees'

This outlines when it is necessary and proportionate to handcuff detainees and when it is not. This *DSO* can be used to challenge the use of handcuffs throughout an external medical appointment and can be found at:

<https://www.gov.uk/government/publications/using-handcuffs-on-detainees-under-escort>

Detention Centre Rules - these can be found at: <http://www.legislation.gov.uk/ukxi/2001/238/contents/made>

Contact Information for making complaints

Home Office

Detention Services Customer Service Unit
Home Office Immigration Enforcement,
Criminality & Detention Group
2nd floor, Bedford Point
35 Dingwall Road
Croydon CR9 2EF
Email: detentionservicescomplaints@homeoffice.gsi.gov.uk
<http://www.ukba.homeoffice.gov.uk/>

NHS England (complaints about NHS services)

NHS England
PO Box 16738
Redditch, B97 9PT
Email: england.contactus@nhs.net (state: 'For the attention of the Complaints Manager' in the subject line)
Enquiries: 0300 311 22 33

Parliamentary & Health Service Ombudsman

Millbank Tower, Millbank,
London, SW1P 4QP
Enquiries: 0345 015 4033
Fax: 0300 061 4000
Email: phso.enquiries@ombudsman.org.uk
Online: www.ombudsman.org.uk

Probation and Prison Ombudsman

Ashley House
2 Monck Street
LONDON, SW1P 2BQ
Enquiries: **020 7633 4100** or **0845 010 7938**
Fax: 020 7633 4141
Email: mail@ppo.gsi.gov.uk
Online: www.ppo.gov.uk

Independent Monitoring Board (IMB)

IMB members are local volunteers who monitor the day-to-day life in the detention centre or prison to try and ensure that proper standards of care and decency are maintained. If you have a problem that has not been dealt with by detention centre staff, you ask to talk to a member of the IMB in confidence. Problems might include concerns over lost property, visits from family or friends, religious or cultural requirements, or even serious allegations such as bullying.

Online: www.justice.gov.uk/about/imb

Legal advice surgery in the Detention Centre

If you would like legal advice, you can find a list of legal aid lawyers who take on immigration cases. In most detention centres you can see a lawyer through the legal surgery. Ask a welfare office or in the detention centre library.

Medical Justice

Medical Justice arranges for a doctor to visit detainees who are victims of torture or have serious physical or mental health conditions.
<http://www.medicaljustice.org.uk/>
Phone: 0207 561 7498
Fax: 08450 529370
Online referrals:
<http://www.medicaljustice.org.uk/get-help-for-detainees.html>



Working for health rights for detainees

Website : www.medicaljustice.org.uk, **Phone :** 0207 561 7498, **Fax:** 08450 529370

This leaflet is produced by Medical Justice that is an charity that is independent of the Home Office, and the companies who run immigration removal facilities.

